

Appl. No. : 10/031,818  
Filed : March 6, 2002

### AMENDMENTS TO THE CLAIMS

1-4. (Cancelled)

5. (Currently amended) ~~A~~ An isolated miniature inverted-repeat transposable element  
MITE-like element ~~comprising~~ consisting of the following DNA (a) or (b):

(a) a DNA having a nucleotide sequence shown under SEQ ID NO: 1;

(b) a DNA, ~~capable of hybridizing with a DNA having a complementary sequence to the above nucleotide sequence (a) under stringent conditions and~~ capable of causing duplication of the target sequence: (A)<sub>n</sub>G(A)<sub>n</sub> [n being an integer of not less than 1] at the site of insertion thereof in a genomic gene, which contains a plurality of repeat sequences represented by formula (1): XttgcaaY (wherein X represents g or t and Y represents a or c) in the terminal inverted repeat sequences thereof, and in the intermediate region between the terminal inverted repeat sequences, a plurality of repeat sequences represented by formula (1) and formula (2): Zatgcaa (wherein Z represents t or a), and which has a nucleotide sequence not less than 85% homologous with the nucleotide sequence shown under SEQ ID NO: 1.

6-7. (Canceled)

8. (Currently amended) ~~A~~ An isolated transcriptional activation element characterized by containing at least one MITE-like element according to ~~any of claims 1, 3, 4, or 5~~ claim 5 as a transposable element.

9-10. (Cancelled)

11. (Currently amended) ~~A~~ The isolated transcriptional activation element as claimed in Claim 8, wherein the transposable element is a tandem coupling product from a MITE-like element ~~comprising~~ consisting of the following DNA (a) or (b):

(a) a DNA having the nucleotide sequence shown under SEQ ID NO:1;

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(b) a DNA, capable of causing duplication of the target sequence: (A)<sub>n</sub>G(A)<sub>n</sub> [n being an integer of not less than 1] at the site of insertion thereof in a genomic gene, which contains a plurality of repeat sequences represented by formula (1): XttgcaaY (wherein X represents g or t and Y represents a or c) in the terminal inverted repeat sequences thereof, and in the intermediate region between the terminal inverted repeat sequences, a plurality of repeat sequences represented by formula (1) and formula (2): Zatgcaa (wherein Z represents t or a), and which has a nucleotide sequence not less than 85% homologous with the nucleotide sequence shown under SEQ ID NO: 1a—DNA capable of hybridizing with a DNA having a complementary sequence to the above nucleotide sequence (a) under stringent conditions and capable of causing duplication of (A)<sub>n</sub>G(A)<sub>n</sub> [n being an integer of not less than 1] at the site of insertion thereof in a genomic gene,

and a MITE-like element comprising the following DNA (c) or (d):

(c) a DNA having the nucleotide sequence shown under SEQ ID NO:2;

(d) a DNA capable of hybridizing with a DNA having a complementary sequence to the above nucleotide sequence (c) under stringent conditions and capable of causing duplication of TA at the site of insertion thereof in a genomic gene, which contains a nucleotide sequence shown under SEQ ID NO: 12 in the 5' terminal region and a nucleotide sequence shown under SEQ ID NO: 13 in the 3' terminal region, and has a nucleotide sequence not less than 85% homologous with the nucleotide sequence shown under SEQ ID NO: 2.

12. (Currently amended) A An isolated transcriptional activation element comprising a DNA having the nucleotide sequence shown under SEQ ID NO:3.

13-20. (Canceled)

Claim 21. (Currently amended) A An isolated transcriptional activation element comprising a DNA having the nucleotide sequence shown as SEQ ID NO: 14.

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Claim 22. (Currently amended) A transgene expression cassette which comprises the transcriptional activation element of any of Claims 8, 11, 12, and 21, and a DNA sequence operatively joined to said element.

Claim 23. (Previously presented) A transgene expression cassette as claimed in Claim 22, wherein the DNA sequence operatively joined to the transcriptional activation element comprises a promoter and/or a terminator.

Claim 24. (Previously presented) A transgene expression cassette as claimed in Claim 23, which further comprises, as the DNA sequence operatively joined to the transcriptional activation element, a desired transgene sequence to be expressed.

Claim 25. (Currently amended) A plasmid containing the transcriptional activation element of any of Claims 8, 11, 12, and 21.

Claim 26. (Previously presented) A plasmid containing the transgene expression cassette of Claim 22.

Claim 27. (Previously presented) A transgenic plant which contains the transgene expression cassette of Claim 22.

Claim 28. (Previously presented) A transgenic plant as claimed in Claim 27 which is corn, rice, wheat, lily, chrysanthemum, cotton, soybean, beet, potato or carica papaya.

Claim 29. (New) The isolated MITE-like element as claimed in Claim 5, wherein the DNA (b) further contains, as the terminal inverted repeat sequences, the nucleotide sequence shown under SEQ ID : 10 in the 5' terminal region, and the nucleotide sequence shown under SEQ ID NO: 11 in the 3' terminal region.

Claim 30. (New) The isolated transcriptional activation element as claimed in Claim 11, wherein the DNA (b) further contains, as the terminal inverted repeat sequences, the nucleotide sequence shown under SEQ ID NO: 10 in the 5' terminal region, and the nucleotide sequence shown under SEQ ID NO: 11 in the 3' terminal region.